HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI V.K. SHRIVASTAVA, J.

W.P. No. 403 of 2001

PETITIONER

Radhey Shyam Thawait
S/o Rameshwar Prasad Thawait,
Aged 66 years,
Occupation : Flour Mill Owner & Social Worker, Presently Treasurer Bharatiya Samaj Kalyan Parishad Resident of Vidya Nagar, Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Chief Secretary, Department of Finance Mantralaya, Raipur (C.G.)
2. Accountant General of Chhattisgarh, Raipur (C.G.)
3. Chief Secretary,
State of Chhattisgarh Mantralaya,
Raipur (C.G.)

Present : Shri Ashish Shrivastava, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State of Chhattisgarh/respondents No. 1 & 3.
Ms. Reeta Haldar, learned counsel for the res.No.2.

ORAL ORDER
(Passed on 16th November, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

Having heard learned counsel for the parties, we are of the considered opinion that this is not a fit subject matter for a public interest litigation. What is sought in the writ petition is a writ of mandamus directing the respondents to pay revised rate of the Dearness Allowance to the pensioners as prayed in the petition i.e. 10% sourcing to 32%, w.e.f. 01.01.1999, 5%, range w.e.f. 38%, w.e.f. 01.07.1999, 1% range 39% w.e.f. 01.01.2000 and 3%, raising to 41%, w.e.f. 01.07.2000. It is trite to state that PIL is essentially meant to enforce legal rights of those

who due to economic, social and political disabilities could not workout legal remedies. It cannot be said that the retired teachers have no means or otherwise suffer from disabilities which could prevent them from working out legal remedies in Courts of law or any other judicial fora. In that view of the matter, we decline to entertain this writ petition. The writ petition is, therefore, dismissed. However, we make it clear that this order shall not come in the way of the individual teachers-pensioners working out their legal remedies in accordance with law, if they are so advised.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice

Kamde